

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ANTONIO PENA-ARGUELLES,
Plaintiff,

vs.

**CHECK NUMBER 9552, DATED;
JULY 9, 2012, IN THE AMOUNT OF
\$201,187.50,**
Respondent.

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No. 12-MC-00707-OLG

AGREED MOTION TO DISMISS

TO THE HONORABLE ORLANDO L. GARCIA UNITED STATES DISTRICT JUDGE FOR
THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION:

NOW COMES, ANTONIO PENA-ARGUELLES, as the owner of the check number 9552, dated July 9, 2012 in the amount of \$201,187.50 seized by agents of the Drug Enforcement Administration on July 17, 2012 and respectfully files this Agreed Motion to Dismiss and in support shows the following:

Mr. Pena-Arguelles by and through undersigned counsel and the Government in this case have, today, stipulated and agreed for the return of the seized check number 9552, dated July 9, 2012 in the amount of \$201,187.50 to Goldstein, Goldstein & Hilley for attorney's fees and expenses in Mr. Pena-Arguelles' case.

WHEREFORE PREMISES CONSIDERED, Claimant, Antonio Pena-Arguelles respectfully prays that this Honorable Court grant this Agreed Motion to Dismiss and for any further relief to which Claimant is entitled at law, in equity, and under this Court's supervisory power.

Respectfully submitted:

GERALD H. GOLDSTEIN
Bar No. 08101000
CYNTHIA E. ORR
Bar No. 15313350
DONALD H. FLANARY, III
Bar No. 24045877
GOLDSTEIN, GOLDSTEIN AND HILLEY
310 S. St. Mary's St.
29th Floor Tower Life Bldg.
San Antonio, Texas 78205
210-226-1463
210-226-8367 facsimile

By: /s/Cynthia E. Orr

CYNTHIA E. ORR

Attorneys for Claimant,
ANTONIO PENA-ARGUELLES

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above foregoing Agreed Motion to Dismiss has been delivered *via* U.S. Mail, first class, certified/return receipt requested, to Mary Nelda Valadez, Assistant United States Attorney, 601 N.W. Loop 410, Ste. 600, San Antonio, Texas, 78216, on this the 10th day of September, 2012.

/s/Cynthia E. Orr

CYNTHIA E. ORR

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ORDER

On this the ____ day of _____, 2012, came to be considered the Agreed
Motion to Dismiss and said Motion is hereby

GRANTED. DENIED.

HONORABLE ORLANDO L. GARCIA
United States District Judge for the
Western District of Texas,
San Antonio Division